

early July 2018" to replace the McKivers as the alleged sellers of heroin.

The court finds the factual objections to be without merit. The objections are essentially objections to omissions from the M&R, not errors. The defendant has not shown how these alleged omissions would affect the outcome of the motion to suppress. Therefore, the objections are denied.

Defendant also notes the following legal objections: (1) the M&R's interpretation of United States v. Grossman, 400 F.3d 212 (4th Cir. 2017) and its application to the instant facts; and (2) the M&R's conclusion that the distance between the Mayfair Drive apartment and Long Leaf Park area is of no consequence.

Defendant's first legal objection is without merit, as the totality of the facts and circumstances support the connection between Fonville's residence and the criminal activity. As to the second objection, it is once again without merit. While the distance between a residence and the suspected activity could be of consequence in some circumstances, it is not important in the totality of the circumstances and facts of this case.

The court has carefully reviewed defendant's motion, the M&R, and the objections and finds the objections to be without merit.

This court, having conducted a de novo review of the M&R and other documents of record, finds the recommendation of the

magistrate judge is in accordance with the law and should be approved.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, the defendant's motion to suppress [DE #61] is hereby DENIED.

This 7th day of May 2020.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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